



Sen. James F. Clayborne Jr.

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09500SB2181sam003

LRB095 18884 RLJ 49359 a

1 AMENDMENT TO SENATE BILL 2181

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2181 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing  
5 Section 5-1101 as follows:

6 (55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)

7 Sec. 5-1101. Additional fees to finance court system. A  
8 county board may enact by ordinance or resolution the following  
9 fees:

10 (a) A \$5 fee to be paid by the defendant on a judgment of  
11 guilty or a grant of supervision for violation of the Illinois  
12 Vehicle Code other than Section 11-501 or violations of similar  
13 provisions contained in county or municipal ordinances  
14 committed in the county, and up to a \$30 fee to be paid by the  
15 defendant on a judgment of guilty or a grant of supervision for  
16 violation of Section 11-501 of the Illinois Vehicle Code or a

1 violation of a similar provision contained in county or  
2 municipal ordinances committed in the county.

3 (b) In the case of a county having a population of  
4 1,000,000 or less, a \$5 fee to be collected in all civil cases  
5 by the clerk of the circuit court.

6 (c) A fee to be paid by the defendant on a judgment of  
7 guilty or a grant of supervision under Section 5-9-1 of the  
8 Unified Code of Corrections, as follows:

9 (1) for a felony, \$50;

10 (2) for a class A misdemeanor, \$25;

11 (3) for a class B or class C misdemeanor, \$15;

12 (4) for a petty offense, \$10;

13 (5) for a business offense, \$10.

14 (d) A \$100 fee for the second and subsequent violations of  
15 Section 11-501 of the Illinois Vehicle Code or violations of  
16 similar provisions contained in county or municipal ordinances  
17 committed in the county. The proceeds of this fee shall be  
18 placed in the county general fund and used to finance education  
19 programs related to driving under the influence of alcohol or  
20 drugs.

21 (d-5) A \$10 fee to be paid by the defendant on a judgment  
22 of guilty or a grant of supervision under Section 5-9-1 of the  
23 Unified Code of Corrections to be placed in the county general  
24 fund and used to finance the county mental health court, the  
25 county drug court, or both.

26 (d-6) A \$25 fee to be paid by the defendant on a judgment

1 of guilty or a grant of supervision under Section 5-9-1 of the  
2 Unified Code of Corrections to be placed in the county general  
3 fund and used to finance county probation services.

4 (e) In each county in which a teen court, peer court, peer  
5 jury, youth court, or other youth diversion program has been  
6 created, a county may adopt a mandatory fee of up to \$5 to be  
7 assessed as provided in this subsection. Assessments collected  
8 by the clerk of the circuit court pursuant to this subsection  
9 must be deposited into an account specifically for the  
10 operation and administration of a teen court, peer court, peer  
11 jury, youth court, or other youth diversion program. The clerk  
12 of the circuit court shall collect the fees established in this  
13 subsection and must remit the fees to the teen court, peer  
14 court, peer jury, youth court, or other youth diversion program  
15 monthly, less 5%, which is to be retained as fee income to the  
16 office of the clerk of the circuit court. The fees are to be  
17 paid as follows:

18 (1) a fee of up to \$5 paid by the defendant on a  
19 judgment of guilty or grant of supervision for violation of  
20 the Illinois Vehicle Code or violations of similar  
21 provisions contained in county or municipal ordinances  
22 committed in the county;

23 (2) a fee of up to \$5 paid by the defendant on a  
24 judgment of guilty or grant of supervision under Section  
25 5-9-1 of the Unified Code of Corrections for a felony; for  
26 a Class A, Class B, or Class C misdemeanor; for a petty

1 offense; and for a business offense.

2 (f) In each county in which a drug court has been created,  
3 the county may adopt a mandatory fee of up to \$5 to be assessed  
4 as provided in this subsection. Assessments collected by the  
5 clerk of the circuit court pursuant to this subsection must be  
6 deposited into an account specifically for the operation and  
7 administration of the drug court. The clerk of the circuit  
8 court shall collect the fees established in this subsection and  
9 must remit the fees to the drug court, less 5%, which is to be  
10 retained as fee income to the office of the clerk of the  
11 circuit court. The fees are to be paid as follows:

12 (1) a fee of up to \$5 paid by the defendant on a  
13 judgment of guilty or grant of supervision for a violation  
14 of the Illinois Vehicle Code or a violation of a similar  
15 provision contained in a county or municipal ordinance  
16 committed in the county; or

17 (2) a fee of up to \$5 paid by the defendant on a  
18 judgment of guilty or a grant of supervision under Section  
19 5-9-1 of the Unified Code of Corrections for a felony; for  
20 a Class A, Class B, or Class C misdemeanor; for a petty  
21 offense; and for a business offense.

22 The clerk of the circuit court shall deposit the 5%  
23 retained under this subsection into the Circuit Court Clerk  
24 Operation and Administrative Fund to be used to defray the  
25 costs of collection and disbursement of the drug court fee.

26 (f-5) In each county in which a Children's Advocacy Center

1 provides services, the county board may adopt a mandatory fee  
2 of between \$5 and \$30 to be paid by the defendant on a judgment  
3 of guilty or a grant of supervision under Section 5-9-1 of the  
4 Unified Code of Corrections for a felony; for a Class A, Class  
5 B, or Class C misdemeanor; for a petty offense; and for a  
6 business offense. Assessments shall be collected by the clerk  
7 of the circuit court and must be deposited into an account  
8 specifically for the operation and administration of the  
9 Children's Advocacy Center. The clerk of the circuit court  
10 shall collect the fees as provided in this subsection, and must  
11 remit the fees to the Children's Advocacy Center.

12 (g) The proceeds of all fees enacted under this Section  
13 must, except as provided in subsections (d), (d-5), (e), and  
14 (f), be placed in the county general fund and used to finance  
15 the court system in the county, unless the fee is subject to  
16 disbursement by the circuit clerk as provided under Section  
17 27.5 of the Clerks of Courts Act.

18 (Source: P.A. 94-862, eff. 6-16-06; 94-980, eff. 6-30-06;  
19 95-103, eff. 1-1-08; 95-331, eff. 8-21-07.)

20 Section 10. The Clerks of Court Act is amended by changing  
21 Sections 27.5 and 27.6 as follows:

22 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

23 Sec. 27.5. (a) All fees, fines, costs, additional  
24 penalties, bail balances assessed or forfeited, and any other

1 amount paid by a person to the circuit clerk that equals an  
2 amount less than \$55, except restitution under Section 5-5-6 of  
3 the Unified Code of Corrections, the additional fee collected  
4 pursuant to subsection (d-6) of Section 5-1101 of the Counties  
5 Code and thereafter, any fees collected for reimbursement for  
6 the costs of an emergency response as provided under Section  
7 11-501 of the Illinois Vehicle Code, any fees collected for  
8 attending a traffic safety program under paragraph (c) of  
9 Supreme Court Rule 529, any fee collected on behalf of a  
10 State's Attorney under Section 4-2002 of the Counties Code or a  
11 sheriff under Section 4-5001 of the Counties Code, or any cost  
12 imposed under Section 124A-5 of the Code of Criminal Procedure  
13 of 1963, for convictions, orders of supervision, or any other  
14 disposition for a violation of Chapters 3, 4, 6, 11, and 12 of  
15 the Illinois Vehicle Code, or a similar provision of a local  
16 ordinance, and any violation of the Child Passenger Protection  
17 Act, or a similar provision of a local ordinance, and except as  
18 provided in subsection (b) shall be disbursed within 60 days  
19 after receipt by the circuit clerk as follows: 47% shall be  
20 disbursed to the entity authorized by law to receive the fine  
21 imposed in the case; 12% shall be disbursed to the State  
22 Treasurer; and 41% shall be disbursed to the county's general  
23 corporate fund. Of the 12% disbursed to the State Treasurer,  
24 1/6 shall be deposited by the State Treasurer into the Violent  
25 Crime Victims Assistance Fund, 1/2 shall be deposited into the  
26 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall

1 be deposited into the Drivers Education Fund. For fiscal years  
2 1992 and 1993, amounts deposited into the Violent Crime Victims  
3 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
4 Fund, or the Drivers Education Fund shall not exceed 110% of  
5 the amounts deposited into those funds in fiscal year 1991. Any  
6 amount that exceeds the 110% limit shall be distributed as  
7 follows: 50% shall be disbursed to the county's general  
8 corporate fund and 50% shall be disbursed to the entity  
9 authorized by law to receive the fine imposed in the case. Not  
10 later than March 1 of each year the circuit clerk shall submit  
11 a report of the amount of funds remitted to the State Treasurer  
12 under this Section during the preceding year based upon  
13 independent verification of fines and fees. All counties shall  
14 be subject to this Section, except that counties with a  
15 population under 2,000,000 may, by ordinance, elect not to be  
16 subject to this Section. For offenses subject to this Section,  
17 judges shall impose one total sum of money payable for  
18 violations. The circuit clerk may add on no additional amounts  
19 except for amounts that are required by Sections 27.3a and  
20 27.3c of this Act and subsection (d-6) of Section 5-1101 of the  
21 Counties Code, unless those amounts are specifically waived by  
22 the judge. With respect to money collected by the circuit clerk  
23 as a result of forfeiture of bail, ex parte judgment or guilty  
24 plea pursuant to Supreme Court Rule 529, the circuit clerk  
25 shall first deduct and pay amounts required by Sections 27.3a  
26 and 27.3c of this Act. This Section is a denial and limitation

1 of home rule powers and functions under subsection (h) of  
2 Section 6 of Article VII of the Illinois Constitution.

3 (b) The following amounts must be remitted to the State  
4 Treasurer for deposit into the Illinois Animal Abuse Fund:

5 (1) 50% of the amounts collected for felony offenses  
6 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
7 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
8 Animals Act and Section 26-5 of the Criminal Code of 1961;

9 (2) 20% of the amounts collected for Class A and Class  
10 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
11 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
12 for Animals Act and Section 26-5 of the Criminal Code of  
13 1961; and

14 (3) 50% of the amounts collected for Class C  
15 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
16 for Animals Act and Section 26-5 of the Criminal Code of  
17 1961.

18 (c) Any person who receives a disposition of court  
19 supervision for a violation of the Illinois Vehicle Code or a  
20 similar provision of a local ordinance shall, in addition to  
21 any other fines, fees, and court costs, pay an additional fee  
22 of \$20, to be disbursed as provided in Section 16-104c of the  
23 Illinois Vehicle Code. In addition to the fee of \$20, the  
24 person shall also pay a fee of \$5, if not waived by the court.  
25 If this \$5 fee is collected, \$4.50 of the fee shall be  
26 deposited into the Circuit Court Clerk Operation and

1 Administrative Fund created by the Clerk of the Circuit Court  
2 and 50 cents of the fee shall be deposited into the Prisoner  
3 Review Board Vehicle and Equipment Fund in the State treasury.

4 (d) Any person convicted of or pleading guilty to a serious  
5 traffic violation, as defined in Section 1-187.001 of the  
6 Illinois Vehicle Code, shall pay an additional fee of \$20, to  
7 be disbursed as provided in Section 16-104d of that Code.

8 This subsection (d) becomes inoperative 7 years after the  
9 effective date of Public Act 95-154 ~~this amendatory Act of the~~  
10 ~~95th General Assembly.~~

11 (Source: P.A. 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;  
12 95-428, eff. 8-24-07; revised 11-19-07.)

13 (705 ILCS 105/27.6)

14 (Text of Section before amendment by P.A. 95-600)

15 Sec. 27.6. (a) All fees, fines, costs, additional  
16 penalties, bail balances assessed or forfeited, and any other  
17 amount paid by a person to the circuit clerk equalling an  
18 amount of \$55 or more, except the additional fee required by  
19 subsections (b) and (c), restitution under Section 5-5-6 of the  
20 Unified Code of Corrections, the additional fee collected  
21 pursuant to subsection (d-6) of Sections 5-1101 of the Counties  
22 Code and thereafter, any fees collected for reimbursement for  
23 the costs of an emergency response as provided under Section  
24 11-501 of the Illinois Vehicle Code, any fees collected for  
25 attending a traffic safety program under paragraph (c) of

1 Supreme Court Rule 529, any fee collected on behalf of a  
2 State's Attorney under Section 4-2002 of the Counties Code or a  
3 sheriff under Section 4-5001 of the Counties Code, or any cost  
4 imposed under Section 124A-5 of the Code of Criminal Procedure  
5 of 1963, for convictions, orders of supervision, or any other  
6 disposition for a violation of Chapters 3, 4, 6, 11, and 12 of  
7 the Illinois Vehicle Code, or a similar provision of a local  
8 ordinance, and any violation of the Child Passenger Protection  
9 Act, or a similar provision of a local ordinance, and except as  
10 provided in subsections (d) and (g) ~~(f)~~ shall be disbursed  
11 within 60 days after receipt by the circuit clerk as follows:  
12 44.5% shall be disbursed to the entity authorized by law to  
13 receive the fine imposed in the case; 16.825% shall be  
14 disbursed to the State Treasurer; and 38.675% shall be  
15 disbursed to the county's general corporate fund. Of the  
16 16.825% disbursed to the State Treasurer, 2/17 shall be  
17 deposited by the State Treasurer into the Violent Crime Victims  
18 Assistance Fund, 5.052/17 shall be deposited into the Traffic  
19 and Criminal Conviction Surcharge Fund, 3/17 shall be deposited  
20 into the Drivers Education Fund, and 6.948/17 shall be  
21 deposited into the Trauma Center Fund. Of the 6.948/17  
22 deposited into the Trauma Center Fund from the 16.825%  
23 disbursed to the State Treasurer, 50% shall be disbursed to the  
24 Department of Public Health and 50% shall be disbursed to the  
25 Department of Healthcare and Family Services. For fiscal year  
26 1993, amounts deposited into the Violent Crime Victims

1 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
2 Fund, or the Drivers Education Fund shall not exceed 110% of  
3 the amounts deposited into those funds in fiscal year 1991. Any  
4 amount that exceeds the 110% limit shall be distributed as  
5 follows: 50% shall be disbursed to the county's general  
6 corporate fund and 50% shall be disbursed to the entity  
7 authorized by law to receive the fine imposed in the case. Not  
8 later than March 1 of each year the circuit clerk shall submit  
9 a report of the amount of funds remitted to the State Treasurer  
10 under this Section during the preceding year based upon  
11 independent verification of fines and fees. All counties shall  
12 be subject to this Section, except that counties with a  
13 population under 2,000,000 may, by ordinance, elect not to be  
14 subject to this Section. For offenses subject to this Section,  
15 judges shall impose one total sum of money payable for  
16 violations. The circuit clerk may add on no additional amounts  
17 except for amounts that are required by Sections 27.3a and  
18 27.3c of this Act and subsection (d-6) of Section 5-1101 of the  
19 Counties Code, unless those amounts are specifically waived by  
20 the judge. With respect to money collected by the circuit clerk  
21 as a result of forfeiture of bail, ex parte judgment or guilty  
22 plea pursuant to Supreme Court Rule 529, the circuit clerk  
23 shall first deduct and pay amounts required by Sections 27.3a  
24 and 27.3c of this Act. This Section is a denial and limitation  
25 of home rule powers and functions under subsection (h) of  
26 Section 6 of Article VII of the Illinois Constitution.

1           (b) In addition to any other fines and court costs assessed  
2 by the courts, any person convicted or receiving an order of  
3 supervision for driving under the influence of alcohol or drugs  
4 shall pay an additional fee of \$100 to the clerk of the circuit  
5 court. This amount, less 2 1/2% that shall be used to defray  
6 administrative costs incurred by the clerk, shall be remitted  
7 by the clerk to the Treasurer within 60 days after receipt for  
8 deposit into the Trauma Center Fund. This additional fee of  
9 \$100 shall not be considered a part of the fine for purposes of  
10 any reduction in the fine for time served either before or  
11 after sentencing. Not later than March 1 of each year the  
12 Circuit Clerk shall submit a report of the amount of funds  
13 remitted to the State Treasurer under this subsection during  
14 the preceding calendar year.

15           (b-1) In addition to any other fines and court costs  
16 assessed by the courts, any person convicted or receiving an  
17 order of supervision for driving under the influence of alcohol  
18 or drugs shall pay an additional fee of \$5 to the clerk of the  
19 circuit court. This amount, less 2 1/2% that shall be used to  
20 defray administrative costs incurred by the clerk, shall be  
21 remitted by the clerk to the Treasurer within 60 days after  
22 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
23 Research Trust Fund. This additional fee of \$5 shall not be  
24 considered a part of the fine for purposes of any reduction in  
25 the fine for time served either before or after sentencing. Not  
26 later than March 1 of each year the Circuit Clerk shall submit

1 a report of the amount of funds remitted to the State Treasurer  
2 under this subsection during the preceding calendar year.

3 (c) In addition to any other fines and court costs assessed  
4 by the courts, any person convicted for a violation of Sections  
5 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a  
6 person sentenced for a violation of the Cannabis Control Act,  
7 the Illinois Controlled Substances Act, or the Methamphetamine  
8 Control and Community Protection Act shall pay an additional  
9 fee of \$100 to the clerk of the circuit court. This amount,  
10 less 2 1/2% that shall be used to defray administrative costs  
11 incurred by the clerk, shall be remitted by the clerk to the  
12 Treasurer within 60 days after receipt for deposit into the  
13 Trauma Center Fund. This additional fee of \$100 shall not be  
14 considered a part of the fine for purposes of any reduction in  
15 the fine for time served either before or after sentencing. Not  
16 later than March 1 of each year the Circuit Clerk shall submit  
17 a report of the amount of funds remitted to the State Treasurer  
18 under this subsection during the preceding calendar year.

19 (c-1) In addition to any other fines and court costs  
20 assessed by the courts, any person sentenced for a violation of  
21 the Cannabis Control Act, the Illinois Controlled Substances  
22 Act, or the Methamphetamine Control and Community Protection  
23 Act shall pay an additional fee of \$5 to the clerk of the  
24 circuit court. This amount, less 2 1/2% that shall be used to  
25 defray administrative costs incurred by the clerk, shall be  
26 remitted by the clerk to the Treasurer within 60 days after

1 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
2 Research Trust Fund. This additional fee of \$5 shall not be  
3 considered a part of the fine for purposes of any reduction in  
4 the fine for time served either before or after sentencing. Not  
5 later than March 1 of each year the Circuit Clerk shall submit  
6 a report of the amount of funds remitted to the State Treasurer  
7 under this subsection during the preceding calendar year.

8 (d) The following amounts must be remitted to the State  
9 Treasurer for deposit into the Illinois Animal Abuse Fund:

10 (1) 50% of the amounts collected for felony offenses  
11 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
12 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
13 Animals Act and Section 26-5 of the Criminal Code of 1961;

14 (2) 20% of the amounts collected for Class A and Class  
15 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
16 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
17 for Animals Act and Section 26-5 of the Criminal Code of  
18 1961; and

19 (3) 50% of the amounts collected for Class C  
20 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
21 for Animals Act and Section 26-5 of the Criminal Code of  
22 1961.

23 (e) Any person who receives a disposition of court  
24 supervision for a violation of the Illinois Vehicle Code or a  
25 similar provision of a local ordinance shall, in addition to  
26 any other fines, fees, and court costs, pay an additional fee

1 of \$20, to be disbursed as provided in Section 16-104c of the  
2 Illinois Vehicle Code. In addition to the fee of \$20, the  
3 person shall also pay a fee of \$5, if not waived by the court.  
4 If this \$5 fee is collected, \$4.50 of the fee shall be  
5 deposited into the Circuit Court Clerk Operation and  
6 Administrative Fund created by the Clerk of the Circuit Court  
7 and 50 cents of the fee shall be deposited into the Prisoner  
8 Review Board Vehicle and Equipment Fund in the State treasury.

9 (f) This Section does not apply to the additional child  
10 pornography fines assessed and collected under Section  
11 5-9-1.14 of the Unified Code of Corrections.

12 (g) ~~(f)~~ Of the amounts collected as fines under subsection  
13 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be  
14 deposited into the Illinois Military Family Relief Fund and 1%  
15 shall be deposited into the Circuit Court Clerk Operation and  
16 Administrative Fund created by the Clerk of the Circuit Court  
17 to be used to offset the costs incurred by the Circuit Court  
18 Clerk in performing the additional duties required to collect  
19 and disburse funds to entities of State and local government as  
20 provided by law.

21 (Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07;  
22 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07;  
23 revised 11-19-07.)

24 (Text of Section after amendment by P.A. 95-600)

25 Sec. 27.6. (a) All fees, fines, costs, additional

1 penalties, bail balances assessed or forfeited, and any other  
2 amount paid by a person to the circuit clerk equalling an  
3 amount of \$55 or more, except the fine imposed by Section  
4 5-9-1.15 ~~5-9-1.14~~ of the Unified Code of Corrections, the  
5 additional fee required by subsections (b) and (c), restitution  
6 under Section 5-5-6 of the Unified Code of Corrections, the  
7 additional fee collected pursuant to subsection (d-6) of  
8 Section 5-1101 of the Counties Code and thereafter, any fees  
9 collected for reimbursement for the costs of an emergency  
10 response as provided under Section 11-501 of the Illinois  
11 Vehicle Code, any fees collected for attending a traffic safety  
12 program under paragraph (c) of Supreme Court Rule 529, any fee  
13 collected on behalf of a State's Attorney under Section 4-2002  
14 of the Counties Code or a sheriff under Section 4-5001 of the  
15 Counties Code, or any cost imposed under Section 124A-5 of the  
16 Code of Criminal Procedure of 1963, for convictions, orders of  
17 supervision, or any other disposition for a violation of  
18 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a  
19 similar provision of a local ordinance, and any violation of  
20 the Child Passenger Protection Act, or a similar provision of a  
21 local ordinance, and except as provided in subsections (d) and  
22 (g) ~~(f)~~ shall be disbursed within 60 days after receipt by the  
23 circuit clerk as follows: 44.5% shall be disbursed to the  
24 entity authorized by law to receive the fine imposed in the  
25 case; 16.825% shall be disbursed to the State Treasurer; and  
26 38.675% shall be disbursed to the county's general corporate

1 fund. Of the 16.825% disbursed to the State Treasurer, 2/17  
2 shall be deposited by the State Treasurer into the Violent  
3 Crime Victims Assistance Fund, 5.052/17 shall be deposited into  
4 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall  
5 be deposited into the Drivers Education Fund, and 6.948/17  
6 shall be deposited into the Trauma Center Fund. Of the 6.948/17  
7 deposited into the Trauma Center Fund from the 16.825%  
8 disbursed to the State Treasurer, 50% shall be disbursed to the  
9 Department of Public Health and 50% shall be disbursed to the  
10 Department of Healthcare and Family Services. For fiscal year  
11 1993, amounts deposited into the Violent Crime Victims  
12 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
13 Fund, or the Drivers Education Fund shall not exceed 110% of  
14 the amounts deposited into those funds in fiscal year 1991. Any  
15 amount that exceeds the 110% limit shall be distributed as  
16 follows: 50% shall be disbursed to the county's general  
17 corporate fund and 50% shall be disbursed to the entity  
18 authorized by law to receive the fine imposed in the case. Not  
19 later than March 1 of each year the circuit clerk shall submit  
20 a report of the amount of funds remitted to the State Treasurer  
21 under this Section during the preceding year based upon  
22 independent verification of fines and fees. All counties shall  
23 be subject to this Section, except that counties with a  
24 population under 2,000,000 may, by ordinance, elect not to be  
25 subject to this Section. For offenses subject to this Section,  
26 judges shall impose one total sum of money payable for

1 violations. The circuit clerk may add on no additional amounts  
2 except for amounts that are required by Sections 27.3a and  
3 27.3c of this Act and subsection (d-6) of Section 5-1101 of the  
4 Counties Code, unless those amounts are specifically waived by  
5 the judge. With respect to money collected by the circuit clerk  
6 as a result of forfeiture of bail, ex parte judgment or guilty  
7 plea pursuant to Supreme Court Rule 529, the circuit clerk  
8 shall first deduct and pay amounts required by Sections 27.3a  
9 and 27.3c of this Act. This Section is a denial and limitation  
10 of home rule powers and functions under subsection (h) of  
11 Section 6 of Article VII of the Illinois Constitution.

12 (b) In addition to any other fines and court costs assessed  
13 by the courts, any person convicted or receiving an order of  
14 supervision for driving under the influence of alcohol or drugs  
15 shall pay an additional fee of \$100 to the clerk of the circuit  
16 court. This amount, less 2 1/2% that shall be used to defray  
17 administrative costs incurred by the clerk, shall be remitted  
18 by the clerk to the Treasurer within 60 days after receipt for  
19 deposit into the Trauma Center Fund. This additional fee of  
20 \$100 shall not be considered a part of the fine for purposes of  
21 any reduction in the fine for time served either before or  
22 after sentencing. Not later than March 1 of each year the  
23 Circuit Clerk shall submit a report of the amount of funds  
24 remitted to the State Treasurer under this subsection during  
25 the preceding calendar year.

26 (b-1) In addition to any other fines and court costs

1 assessed by the courts, any person convicted or receiving an  
2 order of supervision for driving under the influence of alcohol  
3 or drugs shall pay an additional fee of \$5 to the clerk of the  
4 circuit court. This amount, less 2 1/2% that shall be used to  
5 defray administrative costs incurred by the clerk, shall be  
6 remitted by the clerk to the Treasurer within 60 days after  
7 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
8 Research Trust Fund. This additional fee of \$5 shall not be  
9 considered a part of the fine for purposes of any reduction in  
10 the fine for time served either before or after sentencing. Not  
11 later than March 1 of each year the Circuit Clerk shall submit  
12 a report of the amount of funds remitted to the State Treasurer  
13 under this subsection during the preceding calendar year.

14 (c) In addition to any other fines and court costs assessed  
15 by the courts, any person convicted for a violation of Sections  
16 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a  
17 person sentenced for a violation of the Cannabis Control Act,  
18 the Illinois Controlled Substances Act, or the Methamphetamine  
19 Control and Community Protection Act shall pay an additional  
20 fee of \$100 to the clerk of the circuit court. This amount,  
21 less 2 1/2% that shall be used to defray administrative costs  
22 incurred by the clerk, shall be remitted by the clerk to the  
23 Treasurer within 60 days after receipt for deposit into the  
24 Trauma Center Fund. This additional fee of \$100 shall not be  
25 considered a part of the fine for purposes of any reduction in  
26 the fine for time served either before or after sentencing. Not

1 later than March 1 of each year the Circuit Clerk shall submit  
2 a report of the amount of funds remitted to the State Treasurer  
3 under this subsection during the preceding calendar year.

4 (c-1) In addition to any other fines and court costs  
5 assessed by the courts, any person sentenced for a violation of  
6 the Cannabis Control Act, the Illinois Controlled Substances  
7 Act, or the Methamphetamine Control and Community Protection  
8 Act shall pay an additional fee of \$5 to the clerk of the  
9 circuit court. This amount, less 2 1/2% that shall be used to  
10 defray administrative costs incurred by the clerk, shall be  
11 remitted by the clerk to the Treasurer within 60 days after  
12 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
13 Research Trust Fund. This additional fee of \$5 shall not be  
14 considered a part of the fine for purposes of any reduction in  
15 the fine for time served either before or after sentencing. Not  
16 later than March 1 of each year the Circuit Clerk shall submit  
17 a report of the amount of funds remitted to the State Treasurer  
18 under this subsection during the preceding calendar year.

19 (d) The following amounts must be remitted to the State  
20 Treasurer for deposit into the Illinois Animal Abuse Fund:

21 (1) 50% of the amounts collected for felony offenses  
22 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
23 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
24 Animals Act and Section 26-5 of the Criminal Code of 1961;

25 (2) 20% of the amounts collected for Class A and Class  
26 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,

1 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
2 for Animals Act and Section 26-5 of the Criminal Code of  
3 1961; and

4 (3) 50% of the amounts collected for Class C  
5 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
6 for Animals Act and Section 26-5 of the Criminal Code of  
7 1961.

8 (e) Any person who receives a disposition of court  
9 supervision for a violation of the Illinois Vehicle Code or a  
10 similar provision of a local ordinance shall, in addition to  
11 any other fines, fees, and court costs, pay an additional fee  
12 of \$20, to be disbursed as provided in Section 16-104c of the  
13 Illinois Vehicle Code. In addition to the fee of \$20, the  
14 person shall also pay a fee of \$5, if not waived by the court.  
15 If this \$5 fee is collected, \$4.50 of the fee shall be  
16 deposited into the Circuit Court Clerk Operation and  
17 Administrative Fund created by the Clerk of the Circuit Court  
18 and 50 cents of the fee shall be deposited into the Prisoner  
19 Review Board Vehicle and Equipment Fund in the State treasury.

20 (f) This Section does not apply to the additional child  
21 pornography fines assessed and collected under Section  
22 5-9-1.14 of the Unified Code of Corrections.

23 (g) ~~(f)~~ Of the amounts collected as fines under subsection  
24 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be  
25 deposited into the Illinois Military Family Relief Fund and 1%  
26 shall be deposited into the Circuit Court Clerk Operation and

1 Administrative Fund created by the Clerk of the Circuit Court  
2 to be used to offset the costs incurred by the Circuit Court  
3 Clerk in performing the additional duties required to collect  
4 and disburse funds to entities of State and local government as  
5 provided by law.

6 (Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07;  
7 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07;  
8 95-600, eff. 6-1-08; revised 11-19-07.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law."